

05-17-04

IPW

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/671,049
		Filing Date	09/25/2003
		First Named Inventor	Jesse Peyton
		Art Unit	3748
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	0315-000542

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Copy of Returned Transmittal Form and Postcard, Recordation Form, Assignment and This Return Receipt Postcard.</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**Remarks**

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael J. Schmidt	Reg. No. 34,007
Signature			
Date	May 14, 2004		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michael J. Schmidt	Express Mail Label No.	EV 406 075 467 US
Signature		Date	May 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 406 075 467 US

10-06-2003



102568054

25-03

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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Attorney Docket No. 0315-000542

First Inventor Jesse Peyton

Title SCROLL MACHINE

Express Mail Label No. EL623524395US

MAY 14 2004

PATENT &amp; TRADEMARK OFFICE

O.P.C. U.S.P.T.O.  
0315-000542  
10-06-2003

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 20]  
(preferred arrangement set forth below)  
 Descriptive title of the Invention  
 Cross References to Related Applications  
 Statement Regarding Fed sponsored R & D  
 Reference to sequence listing, a table, or a computer program listing appendix  
 Background of the Invention  
 Brief Summary of the Invention  
 Brief Description of the Drawings (if filed)  
 Detailed Description  
 Claim(s)  
 Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 5 ]

5. Oath or Declaration [Total Pages 3 ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
 (for a continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
 a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper  
 c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))  
 10.  37 C.F.R. §3.73(b) Statement  Power of (when there is an assignee) Attorney

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)

16.  Request and Non Publication under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

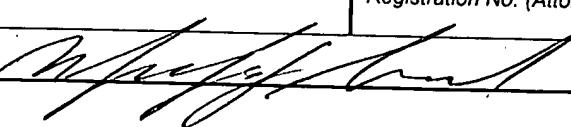
 Customer Number or Bar Code Label

27572

or  Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Harness, Dickey & Pierce, P.L.C.				
Address	P.O. Box 828				
City	Bloomfield Hills	State	MI	Zip Code	48303
Country	United States of America	Telephone	248-641-1600		Fax 248-641-0270

Name (Print/Type)	Michael J. Schmidt	Registration No. (Attorney/Agent)	34,007
Signature			Date <u>Scot 25, 2003</u>

The PRO did not receive the following  
listed item(s) Cover Sheet

09/25/03  
1586 U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEET TRANSMITTAL**  
**for FY 2003**

Patent fees are subject to annual revision.

**PATENT & TRADEMARKS**  
Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 790**Complete If Known**

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	Jesse Peyton
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket No.	0315-000542

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money  Other  None  
Order

 Deposit Account:

Deposit Account Number	08-0750
Deposit Account Name	Harness, Dickey & Pierce, P.L.C.

**The Commissioner is authorized to: (check all that apply)**

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053	130	Non-English specification	
		1812	2,520	1812	2,520	For filing a request for reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	410	2252	205	Extension for reply within second month	
		1253	930	2253	465	Extension for reply within third month	
		1254	1,450	2254	725	Extension for reply within fourth month	
		1255	1,970	2255	985	Extension for reply within fifth month	
		1401	320	2401	160	Notice of Appeal	
		1402	320	2402	160	Filing a brief in support of an appeal	
		1403	280	2403	140	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive - unavoidable	
		1453	1,300	2453	650	Petition to revive - unintentional	
		1501	1,300	2501	650	Utility issue fee (or reissue)	
		1502	470	2502	235	Design issue fee	
		1503	630	2503	315	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	
		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	180	1806	180	Submission of Information Disclosure Stmt	
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
		1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	750	2801	375	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____							

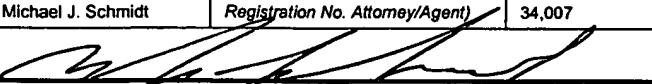
\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 40)

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Michael J. Schmidt	Registration No. Attorney/Agent)	34,007	Telephone	(248) 641-1600
Signature				Date	May 25, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Applicant:	Jesse . on	Case No.:	0315-0005
Serial No.:	To be assigned	Filing Date:	Herewith
Title:		SCROLL MACHINE	
		03917 U.S. PTO 10/671049	
Please acknowledge receipt of: Check for \$790; Utility Patent Application Transmittal Form; Fee Transmittal (in duplicate); Application Data Sheet; 20 - page Patent Application; 5 sheets of informal drawings (Figs. 1-5); Declaration/Power of Attorney; Assignment Cover Sheet (in duplicate) and Assignment; and this return receipt postcard.		 092503	
Express Mailing Label No. EL623524395US			
By stamping and returning to Harness, Dickey & Pierce, P.L.C.		USPTO Date Stamp	
Due:	Date Mailed: 09/25/2003	Attorney:	CHB/mjs



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/671,049

Filing Date: 09/25/2003

Applicant: Jesse Peyton

Group Art Unit: 3748

Examiner: Unknown

Title: SCROLL MACHINE

Attorney Docket: 0315-000542

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE

Sir:

Applicant received **DOCUMENT ID NO. 102568054** indicating that our enclosed document was found to be non-recordable because of the lack of a complete cover sheet and the lack of a fee.

Both the cover sheet and the fee were submitted with the filing of the new patent application. The attached patent application transmittal letter, which the Assignment Division returned, clearly indicates that assignment papers (cover sheet and documents) were sent to the USPTO. In addition, enclosed is a copy of our returned postcard which identifies that a cover sheet was received by the USPTO. The

document returned by the Assignment Division was not the cover sheet sent to the USPTO.

Regarding the payment of the fee, the fee was paid as evidenced by the fee transmittal form which was also sent back to us by the Assignment Division. The fee transmittal form clearly identified a check for \$790 was sent with the application. This \$790 included \$750 for the application filing fee and \$40 for the recording fee as itemized on the form.

Enclosed is a new cover sheet which reflects the correct information to be recorded and the document ID number referenced above along with the original assignment. Applicant respectfully requests recordal of the assignment on the original date of filing.

#### CONCLUSION

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

By:   
Michael J. Schmidt, 34,007

Dated: May 14, 2004

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg